IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.100 OF 2006

Gajanan D. Nalavade ...Petitioner.

Versus

The State of Maharashtra
& Ors. ...Respondents.

Shri J.K. Jadhav for the Petitioner.
Shri R.M. Patane for Respondent Nos.1 & 3.

CORAM : S.C.DHARMADHIKARI,J.

DATE : 31st JANUARY, 2006.

P.C. :

1. Heard Shri Jadhav - learned Counsel appearing for the petitioner and Shri Patane - learned A.G.P appearing for respondent Nos.1 & 3.

2. Shri Patane, upon taking instructions from Shri Shedge - Rationing Inspector, who is present in Court, states that the allottee of the Ration Shop in question (Respondent No.4) has expired on 9th November, 2005.

3. In the light of this development, it is not necessary to scrutinise the legality and validity of the order passed by the Controller of Rationing as well as that of the Minister dated 29th October, 2005.

4. My attention is invited by Shri Patane to an application made by Narmidevi Premchand Yadav, wife of deceased respondent No.4 for transfer of the allotment in her favour. He submits that the application is pending. In the light of this development, Shri Jadhav appearing for the petitioner seeks liberty to move the Controller of Rationing with a request that his entitlement be also considered while the application of the wife of respondent No.4 (deceased) is being taken up for consideration.

5. In my view, interest of justice would be served if the petitioner is granted liberty to approach the Controller of Rationing for allotting the said Ration Shop to him, as he ranks on par with the disabled deceased, as well as the fact that he belongs to Scheduled Caste. Needless to state that the petitioner's application shall be considered on its own merits by the Authorities uninfluenced by the observation of the Minister in the impugned order. The representation of the petitioner be considered and appropriate orders be passed within a period of four weeks from today. This order is passed because I am informed that after the death of respondent No.4, the business has not been commenced and the shop is closed.

(S.C.DHARMADHIKARI,J.)